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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2931 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

FOOD CORPORATION OF INDIA & EMPLOYEES COOP.HSG.SOC.LTD.

Versus

PRABHUDAS JADAVJI JAKHARIA

Appearance:

MR SV PARMAR for Petitioner

MR SN THAKKAR for Respondent No. 1

MR SD TALATI GOVERNMENT PLEADER for Respondent No. 2

MR BM MANGUKIA for Respondent No. 3

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 11/10/1999

ORAL JUDGEMENT

Heard Shri S.V.Parmar for petitioner, Mr S.N.Thakkar for respondent no.1., Ms. S.D.Talati, AGP for respondent no.2 and Mr.B.M.Mangukia for respondent no.3.

2. So far as prayer for transferring Lawad Case Nos.

309/82; 163/88 to any other nominee is concerned, the same does not survive in view of the fact that the learned Nominee about whom the petitioner has made a grievance no longer holds the office in question. The other grievance made on behalf of the petitioner is that the deposition of respondent no.1 was accepted in the form of his statement and he did not enter into the witness-box. The learned advocate for the respondent no.1 states that respondent no.1 is willing to give evidence afresh by going into the witness-box and his statement which is previously recorded may not be treated as evidence. In view of this concession, without making any observation on the merit of the contention, the evidence of respondent no.1 recorded in the form of his statement which is at Annexure F is set aside and it is directed that his evidence shall be recorded afresh orally. It goes without saying that observations and directions made by this Court in the order dt. 31st August, 1988 in Special Civil Application No. 5789 of 1988 continue. Rule made absolute to the said extent. Interim relief stands vacated. No order as to costs.

Date:11/10/1999. -----

(ccshah)